REMARKS

The present submission is provided in response to an Office Action mailed on September 9, 2004. In the instant action, the Examiner has objected to the drawings. Additionally, claims 1-20 have been rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Further, claims 1-20 have been rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite. Also, claims 1, 3-6, 8, 11, 13-16, and 18 stand rejected under 35 U.S.C. 102(e). Claims 2, 7, 12, and 17 have been rejected under 35 U.S.C. 103(a). Claims 1-20 have been canceled. New claims 21-36 have been added. The Applicant traverses the outstanding rejections for at least the reasons presented herein. No new matter has been entered.

Objections to the Drawings under 37 C.F.R. 1.83(a)

The drawings have been objected to by the Examiner for allegedly failing to show every feature of the invention specified in the claims. Specifically, the Examiner asserts that the claim limitation "data related to said request" provided in claims 1 and 11 is not shown in the drawings. Also, the Examiner asserts that the claim limitation "response" provided in claims 2 and 12 is not shown in the drawings. Finally, the Examiner asserts that the claim limitation "said request includes a request that is in progress" provided in claims 5 and 15 is not shown in the drawings.

Claims 1-20 have been canceled and new claims 21-36 are presented rendering the objections moot. Claims 21 and 29 include the limitation "request for information" which relates to the information requested from a server by a web client. Support for this amendment may be found throughout the specification and specifically in paragraph 15, which recites a client/server architecture. Client/server architectures inherently provide for information requests by a client (e.g., files, data, applications, web pages) to a server, which in turn, provides this information. Paragraph 15 of the specification also discloses that information is presented to a user at client 101 in the form of HTTP responses (e.g., WWW pages or server-generated data). The Applicant submits that depiction of such requests for

5

information in the drawings is not necessary because this detail is not essential for proper understanding of the disclosed invention as required under 37 C.F.R. 1.83(a). The process of requesting information over a network from a server is not integral to the Applicants' invention. Moreover, this activity is commonly understood in the art. Accordingly, the Applicants submit that new claims 21 and 29 are properly supported by the drawings as originally filed and request withdrawal of the outstanding objection.

With respect to the objections regarding the "response" and "said request includes a request that is in progress", the Applicants submit that these elements have been eliminated via canceled claims 1-20 and further submit that the new claims 21-36 properly support the drawings as originally filed.

Objections under 35 U.S.C. 112, first paragraph

The Examiner has rejected claims 1-20 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement and asserts that the claims contain subject matter not described in the specification in such a way as to enable one skilled in the art to which it pertains, to make and/or use the invention.

Specifically, the Examiner states that the limitation "data related to said request" in claims 1 and 11 is not found in the specification. Also, the Examiner states that the limitation "error code" in claims 9 and 19 is not found in the specification.

As indicated above, claims 1-20 have been canceled and new claims 21-36 have been added rendering the outstanding rejections moot. The Applicants submit that new claims 21-36 are in conformance with the requirements set forth in 35 U.S.C. 112, first paragraph, and respectfully request withdrawal of the claim rejections.

Objections under 35 U.S.C. 112, second paragraph

The Examiner has rejected claims 1-20 under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. Specifically, the Examiner states that the term "ready" recited in claims 1, 2, 11, and 12 is a relative term which renders the claim

6

indefinite.

As stated above, claims 1-20 have been canceled and new claims 21-36 have been added rendering the outstanding rejections moot. In new claims 21 and 29, the Applicants recite "data that is not available" and "data resulting from the search is available" in lieu of the term "ready." It is believed that the term "available" in the context of a search for information is sufficiently definite. It is widely known and accepted that a search results in one of two results: either the information searched for is available (found) or it is not. The Applicants submit that the recitation of "available" in new claims 21 and 29 is sufficiently definite and that support for the amendment is provided in the specification (see, e.g., paragraph 17 relating to sending data resulting from a query to a web client).

The Examiner has further stated that claims 2, 4, 9, 10, 12, 14, 19, and 20 are indefinite because it is unclear as to which part of the communication the "response" is referred to. The Examiner further states that claims 3, 4, 13, and 14 are indefinite for lacking antecedent basis regarding the claim limitation "said static page". Finally, the Examiner has rejected claims 5, 6, 15, and 16 as allegedly being indefinite because the claim limitation "said request includes a request" is unclear. It is believed that new claims 21-36 address the issues raised by the Examiner and that claims 21-36 properly conform to the requirements set forth in 35 U.S.C. 112, second paragraph and respectfully request withdrawal of the outstanding rejections.

Rejections under 35 U.S.C. 102(e)

Claims 1, 3-6, 8, 11, 13-16, and 18 have been rejected under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent No. 6,687,737 issued to Landsman et al. (hereinafter "Landsman"). New claims 21 and 29 recite a method and storage medium, respectively, for sensing the status of a web client by a server for use in determining whether a web client is still present (indicating an ongoing desire to continue a time-consuming search). The method recited in claims 21 and 29 include "(a)." Landsman does not teach or suggest these elements. Landsman is directed to resolving the latency issues inherent in downloading content containing web advertisements (e.g., banner ads) (see Background of the Disclosure). The process and system disclosed in Landsman decouples "advertising

7

content from a web content page...download[s] advertising files, through a browser executing at a client computer, into browser caches...at that computer...and interstitially display[s] advertisements through the browser in response to a user click-stream associated with normal user navigation across different web pages" (col. 9, line 62-col. 10, line 4).

Specifically, Landsman does not teach or suggest, in response to conducting a search for data requested from a web client, determining a continued presence of the web client when sensing that the search will be time consuming as recited in Applicants claims 21 and 29. Rather, the transmissions taught by Landsman relate to advertisements sent to a web client through "the browser in response to a user click-stream associated with normal user navigation across different web pages" (col. 10, lines 2-4). Thus, the transmissions are presented to the web client without first determining a continued presence of the web client and are further transmitted to the web client along with the search results (or between search results).

Further, Landsman is devoid of teaching waiting a specified time period and repeating the searching, transmitting a byte stream for time-consuming searches, and waiting until an occurrence of an error response returned from the web client or the data resulting from the search becomes available. Additionally, Landsman does not teach or suggest aborting a search in receiving an error response indicating that the web client is no longer present. As indicated above, Landsman does not account for the length of query or search time followed by sending a byte stream to the web client in order to determine a continued presence. Rather, the presentation of advertisements recited in Landsman occur during navigation of web pages browsed by the web client. Accordingly, for at least the reasons presented herein, it is believed that Applicants' new claims 21 and 29 are not anticipated by Landsman and respectfully request withdrawal of the outstanding rejections. Claims 22-28 depend from what should be an allowable claim 21. Claims 30-36 depend from what should be an allowable claim 29. For at least these reasons, the Applicants submit that claims 22-28 and 30-36 should also be in condition for allowance. Reconsideration of the rejections is respectfully requested.

8

Rejections under 35 U.S.C. 103(a)

Claims 2 and 12 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Landsman in view of U.S. Patent No. 5,848,397 issued to Marsh et al. (hereinafter "Marsh"). Marsh is directed to an advertisement display scheduler and method for determining priority of advertisements to be presented to users, particularly email clients. Accordingly, the Applicants submit that Marsh is not related to the instant application.

Claims 7 and 17 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Landsman in view of U.S. Patent No. 6,434,620 issued to Boucher et al. (hereinafter "Boucher"). Boucher is directed to resolving network inefficiencies by offloading network processing tasks from a CPU to an intelligent network interface card (INIC). Accordingly, the Applicants submit that Boucher is not related to the instant application.

Notwithstanding, as indicated above, claims 1-20 have been canceled and new claims 21-36 have been added. The Applicants submit that new claims 21-36 are patentable over Landsman in view of Marsh and Boucher for at least the reasons presented above. Accordingly, the Applicants respectfully request reconsideration of the outstanding rejections.

9

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 09-0463 maintained by Applicants' attorneys.

Respectfully Submitted,

FRANK J. DEGILIO ET AL.

CANTOR COLBURN LLP
Applicants' Attorneys

By ⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯
Marisa J. Dubuc
Registration No. 46,673
Customer No. 46429

Date: March 9, 2005
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929

10